

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DESHIREO TYVEONCE RIVERS,

Plaintiff,

v.

Case No. 17-cv-459-pp

BRIAN CHYBOWSKI,

Defendant.

**ORDER DIRECTING THE MARSHAL'S SERVICE TO SERVE AMENDED
COMPLAINT AND SCREENING ORDER ON BRIAN CHYBOWSKI**

On June 14, 2018, the court allowed the plaintiff to proceed on a deliberate indifference claim against an unidentified defendant. Dkt. No. 15. The court asked Acting Milwaukee County Sheriff Richard Schmidt to help the plaintiff identify the real name of the Doe defendant. On July 12, 2018, the court received a letter from Attorney Michael Russart, notifying the court that the true name of the John Doe defendant was Brian Chybowski, D.D.S. Dkt. No. 17.

The court will update the caption of the case to reflect the real name of the defendant, and will order the U.S. Marshal's Service to serve the plaintiff's amended complaint and the court's screening order on the defendant.

The court **DIRECTS** the Clerk of Court to substitute defendant Brian Chybowski for defendant John Doe.


The court **ORDERS** the United States Marshal to serve a copy of the amended complaint, dkt. no. 12, this order and the court's screening order, dkt. no. 15, on defendant Brian Chybowski under Federal Rule of Civil Procedure 4. Congress requires the U.S. Marshal's Service to charge for making or attempting such service. 28 U.S.C. §1921(a). Although Congress requires the court to order service by the U.S. Marshal's Service, it has not made any provision for either the court or the U.S. Marshal's Service to waive these fees. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§0.114(a)(2), (a)(3). The U.S. Marshal will give the plaintiff information on how to remit payment. The court is not involved in collection of the fee.

The court **ORDERS** defendant Chybowski to file a responsive pleading to the complaint.

The court **ORDERS** that the parties shall not begin discovery until after the court enters a scheduling order setting deadlines for discovery and dispositive motions.

Dated in Milwaukee, Wisconsin, this 20th day of July, 2018.

BY THE COURT:


HON. PAMELA PEPPER
United States District Judge